

My dear Mr. Reed:

Reference is made to your letter of March 16, 1954 transmitting copies of H.R. 8000 "To promote the national security of the United States, and for other purposes", and requesting this Department to furnish your Committee with an expression of its views on the proposed legislation. Reference is also made to the Department's interim telephonic acknowledgment of March 18, 1954.

While the Department favors the general purposes of H.R. 8000, there are certain features of the bill concerning which the Committee may care to give further consideration.

No provision is made in the bill for the admission into the United States of those defectors who may be issued nonimmigrant visas. The possession of a visa will not assure their entry into the United States since they would be subject to inspection by immigration officers in applying for admission at a port of entry. This would apply equally to the wives and children of defectors.

It is

The Honorable
Chauncey W. Reed, Chairman,
Committee on the Judiciary,
House of Representatives.

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It is also not clear what status a defector will have in the United States, assuming he is issued a visa and admitted. Therefore, it is suggested that the introductory sentence to section 3 of the bill (lines 8 to 12 on page 2) be amended to read as follows:

"Sec. 3. Notwithstanding the provisions of section 212(a)(28) of the Immigration and Nationality Act (66 Stat. 184), special nonimmigrant visas may be issued to any alien Communist government official and his alien spouse and children, and such official, spouse, and children may be admitted into the United States in a nonimmigrant status, if otherwise qualified under the immigration laws: Provided, That such official-----."

Section 4 of the proposed bill appears to confuse the period of validity of a visa with the period of the alien's stay in the United States. The title to section 4 should be amended to read: "Authority to Revoke Visa and Terminate Status." Further it is suggested that the text of section 4 of the bill be amended to read as follows:

"Sec. 4. The Secretary of State is authorized, whenever the best interests of the United States so require, to revoke any special nonimmigrant visa issued pursuant to this Act. The period of admission of any alien admitted into the United States under the provisions of this Act shall be terminated by the Attorney General

whenever the country whose government formerly employed such alien shall no longer be governed or dominated by the Communist conspiracy: Provided, That the personal safety of the alien would not thereby be placed in jeopardy."

The Department of State will interpose no objection to the enactment of H.R. 8000, but recommends that consideration also be given to the possibility of utilizing the Act of June 20, 1949 (63 Stat. 208) to accomplish the purposes of the proposed legislation. This currently effective law provides, in part, for the entry into the United States of certain aliens, in the interest of national security and in furtherance of the national intelligence mission, without regard to their inadmissibility under the immigration laws and regulations. The Department desires also to point out that section 212(a)(28)(I) of the Immigration and Nationality Act contains a defector provision under which a former Communist in applying for a visa is required to show five years of active opposition to the doctrine, program, principles, and ideology of the Communist Party and to establish further that his admission into the United States would be in the public interest. Under this latter provision of law the defecting alien is subjected to a five year period of observation and probation before he becomes eligible to receive a visa with which to apply for admission into the United States. The committee may wish to consider these two alternative possibilities in conjunction with its consideration of the proposed legislation.

Sincerely yours,